

April 19, 2006

The Honorable Phyllis J. Hamilton
United States District Court Judge
United States District Court
Northern District of California
450 Golden Gate Avenue
Courtroom 3, Seventeenth Floor
San Francisco, CA 94102

Attention: Nichole Heuerman, Courtroom Deputy

Re: United States v. Tillery,
CR 05-00756-PJH-ALL

Dear Judge Hamilton:

I previously requested that this matter today be put on calendar so that the parties can request direction from the Court concerning the return of the Rule 17© subpoena.

After I made the request to put this matter on calendar, I learned from my client that she has a previously scheduled doctor's appointment which conflicts with this afternoon's calendar. I called Assistant United States Attorney William Martin, who has no objection to Ms. Tillery not being present at this afternoon's hearing. Accordingly, I request that the Court excuse my client's presence at today's calling of this case.

I thank the Court for its assistance.

Very truly yours,

/s/

DAVID J. COHEN
Attorney for Rosalyn Tillery

